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A TRUE STATEMENT

OF THE CASE

"JEFFERYS *v.* BOOSEY:"

SHOWING

HOW BOOSEY WOULD GO TO LAW,

AND

HOW BOOSEY WAS BEATEN.

INTERSPERSED WITH A FEW REMARKS UPON OTHER PERSONS WHO UNNECESSARILY INTERFERED IN THE PROCEEDINGS DURING THE PROGRESS OF THE CAUSE,

TO WHICH ARE APPENDED EXTRACTS FROM THE

OPINIONS OF THE LORD CHANCELLOR (CRANWORTH), LORD BROUGHAM, AND LORD ST. LEONARD'S.

WITH THE

FINAL JUDGMENT,

DELIVERED 1st AUGUST, 1854.

WRITTEN, COMPILED, AND PUBLISHED BY

CHARLES JEFFERYS, 21, SOHO SQUARE.

PRICE SIXPENCE.

W. OSTELL, PRINTER, HART STREET, BLOOMSBURY SQUARE.

JEFFERYS *v.* BOOSEY.

As the hysterical blubberings of a big tyrannical booby, who to his surprise, has been thoroughly beaten by a boy much smaller than himself, excite only the risibility and contempt of the bystanders, so must the howling of Mr. Boosey over his recent defeat give rise to nothing but disgust and contempt in the minds of all persons who are, or who may become, acquainted with the origin of the now settled dispute between that Publisher and myself.

I had determined to be contented with the legal triumph of my Cause, and to smile at the puny outbreak of baffled rage with which I had been assailed in Boosey's "*Musical World*," a periodical so thoroughly contemptible that no one ever attached importance to its opinions, or held belief in its "facts:" but the Writer has succeeded in obtaining a reiteration of his fallacies and a reproduction of his abuse of me in a weekly paper of large circulation, the "*Illustrated London News*," of the 19th August; for I hold that he must have written the balderdash inserted as a Leading Article in that paper, since,

"*None but himself can be his parallel.*"

The greater publicity thus given to his drivellings, urges me to unmask his hypocrisy, to expose his falsehoods, and to demolish the arguments deduced therefrom:—I have set myself no difficult task, it is mere child's play—for his falsehoods are equalled only by his follies, and his follies by his feebleness.

Boosey's conduct *since his defeat*, deprives him of all consideration at my hands; he has insinuated charges against me which he knows to be wholly without foundation—he had before that time acknowledged, that I had done him no injury

by my publication, and his Solicitor in the Cause, one of the most respectable Members of his Profession, absolutely complimented me upon the "*upright and honourable manner*" in which "*the battle had been fought by me,*" from its commencement down to the day on which the judgment was delivered in the "House of Lords."

The case between Boosey and myself stands simply thus:—

1st.—Boosey claimed a Copyright in the "Sonnambula."

2nd.—Purday disputed the legality of Boosey's claim; and he printed a portion of the music of that Opera.

3rd.—Boosey brought his action against Purday, in the "Court of Exchequer," and the judgment of that Court was, that Boosey HAD NO COPYRIGHT IN THE WORK.

4th.—Many months *after the decision adverse to Boosey,* I printed, *in a form wholly different to anything published by* Boosey, one of the airs of "Sonnambula," *arranged expressly for me* by Mr. Charles Glover, and for which arrangement I absolutely paid more than twelve times the amount to Glover, which Boosey *says* he paid to Ricordi for the whole Opera. (This is an answer to the charges made by Boosey and his friend Novello, that I was desirous of availing myself of "the brains of Authors" without payment for the products of their genius: a charge made singularly enough by NOVELLO, whose Catalogue, it is notorious, consists of about 19-20ths of Non-copyright works, for which of course he never paid the Authors anything).

5th.—Boosey complained of what he called my infringement of his right—I referred him to the judgment recorded against his claim, and I made a written offer to him that I would pay him ten guineas for the use I had made of the air in question, if he succeeded in obtaining a reversal of that adverse judgment; I undertook also in the interim to touch nothing in dispute until

the whole question was adjudicated upon, and to publish an acknowledgement in the meantime, that I had printed the Air by his permission.

The more I yielded, the more exacting Boosey became; therefore, *after full inquiry into the whole merits of his case,* and having become convinced, that he neither possessed A LEGAL NOR A MORAL RIGHT to the Copyright he claimed, I determined to resist to the utmost his attempt to hold that by intimidation which was no more his than mine.

I will shew by what course of reasoning I arrived at the conclusion, that Boosey's *moral* right to "La Sonnambula" was as defective as his *legal* claim; but I will first reproduce *Boosey's* statement made in his own words in his own "*World,*" of the 5th August, 1854, he there says:—

"*Boosey, a Music Publisher, purchased of Ricordi, another Music Publisher, as far back as* 1831, *the* SCORE *of an Opera by Bellini, a Composer, which Bellini had previously sold to Ricordi. Bellini wrote the music; it was; therefore, clearly his own property, and, being his own property, he had a right to sell it. No one will dispute that fact.* BELLINI *having a right to sell it, did sell it to* RICORDI, *who paid the price of it with his own money. The Opera then became Ricordi's according to the laws and customs of barter, which have obtained so far back as history has peered into the doings of men and the condition of the world. No one will deny that, having bought and paid for it, the Opera was now Ricordi's. Being Ricordi's then, Ricordi had the same right to sell it which Bellini had, when it was Bellini's. Ricordi having a right to sell it, did sell it to Boosey, who paid the price of it with his own money. The Opera now in equity and logic, would seem to have been Boosey's and so Boosey must have thought, until some time after another Music Seller, Jefferys, who had not bought or paid for the Opera, or any part of it published a song from it. Boosey, who had bought and paid for the Opera, denied the right of Jefferys to appropriate any part of it to his own uses. Jefferys replied that Boosey*

had no property in the Opera, although Boosey had bought and paid for it with his own money of Ricordi, who had himself bought it of the Composer under similar circumstances. The case being of such a complicated nature, recourse was had to law.

"Now supposing that instead of being an opera the article purchased by Ricordi of Bellini, and then by Boosey of Ricordi, had been a snuff-box set in diamonds; in that case will any one assert that Jeffreys had a right to take one of the diamonds to himself, or to take the snuff-box and diamonds to himself, or to hold a joint property with Boosey, who had bought it and paid for it with his own money, either in a part or the whole of it?"

Politeness of phraseology, in dealing with such a statement as the above, would be as vain as the endeavour to perforate the hide of a rhinoceros with a pellet from a pop-gun; in plain language, therefore, I solemnly declare, *and I will prove,* every essential portion of the declaration to be utterly and entirely FALSE!

That BOOSEY purchased of RICORDI the SCORE of an Opera (La Sonnambula). IS NOT TRUE.

And until *now* BOOSEY never *pretended* to *have bought the score.*

The lie direct is base enough—but the lie by implication adds meanness to all its other evil qualities, and such a lie is contained in the sentences, wherein it is said: *"Being Ricordi's then, Ricordi had the same right to sell it which Bellini had when it was Bellini's. Ricordi having a right to sell it, did sell it to Boosey, who paid the price of it with his own money."* THIS AGAIN IS NOT TRUE.

The truth is—Bellini, possessing only a Copyright in his work in Milan, where he was residing, *and not claiming any right elsewhere,* sold to RICORDI all the right he possessed, viz: that of publishing "LA SONNAMBULA" IN MILAN, and Bellini was paid, as I have been informed, a sum equal to about three hundred pounds English—for the amount I do not vouch, but for the main truth of the fact I hold myself responsible.

Bellini sold to Ricordi his right of exclusively printing his music in Milan, and Ricordi *exercised all the right he had bought by publishing the whole Opera in Milan.* Ricordi, four months *after* the successful production of the said Opera in Milan, visited London for the purpose of procuring the performance of "La Sonnambula" at *Her Majesty's Theatre,* and he brought with him *ten duplicate sets of music plates,* each set containing one of the airs or duets in the Opera; these plates bore the imprint of Ricordi in Milan, and of one *Rolandi, an Italian Bookseller, in Berners Street, Oxford Street; this fact is highly significant.* Rolandi it was whom Ricordi had *first* selected to be his Agent for the sale of "La Sonnambula" in England. Subsequently the name of Rolandi was substituted by that of Boosey, but in erasing the first name so little care was shewn that it could be plainly read from the impressions taken from the plates even *after* the name of Boosey had been affixed. Boosey, then, became the Agent of Ricordi, every copy of every piece belonging to "La Sonnambula," was then marked by *another Agent* of Ricordi, one Signor Ziliano, whose initial Z. served as a check upon the numbers sold by Boosey, and for a portion of the profits on which sale Boosey was responsible to Ricordi. How does this tally with Boosey's statement of the 5th of the present August? Can any one believe that Ricordi sold the score to Boosey, and that the former also brought over from Milan *plates ready engraved* of the choice pieces of the Opera? This fact, supported by the identical copies, still to be seen in the British Museum, I hold to be an overwhelming condemnation of Boosey's *moral* right to the Opera, and a conclusive proof of the falsehood of his assertion that he bought the Score of Ricordo: upon the horns of this dilemma I gibbet Mr. Boosey and defy him to wriggle himself off.

That an Assignment was made by Ricordi to Boosey I admit—but I contend that it was a speculative, and a colourable document executed without any hope of maintaining a copyright in the work, should that right be seriously disputed; the purchase money paid by Boosey to Ricordi, was the

merely nominal sum of TEN SHILLINGS! and this sum it is pretended was paid to RICORDI for the copyright of "La Sonnambula," for which Copyright RICORDI had himself paid some hundreds of pounds to Bellini.

I think I have said enough to show the reasonableness of the conclusion to which I came against the *moral* right of Boosey: but to clinch the argument, and to render it impossible for any other anonymous slanderer to assail my conduct respecting Foreign "Copyrights," with any chance of injuring my character; I will mention a few startling facts about Boosey and this same question, when it formed the subject of legal proceedings in 1835.

Fortunately I have not to exclaim: "O that mine adversary had written a book;" for in the year 1835 (the date is highly important), he not only wrote a book, but he printed and published that book, and an admirably reasoned book it was, and that book was entitled, "A FEW FACTS ABOUT FOREIGN COPYRIGHT," and it is marvellous how Boosey, having published those facts, can now have the shameless audacity to accuse me of dishonesty in following the example he set me, and which he then by the clearest reasoning shewed to be an honest and an upright course.

Come into Court,

THOMAS BOOSEY,

although perhaps you have had enough of Courts, I call you on subpœna as a witness, not for my defence merely, but for the *perfect justification* of my publication of the music of "*La Sonnambula.*" Now, Sir, do as I bid you; read out, Sir, with an audible voice the first and second paragraphs of your book, published in 1835. Oh! "you would rather not," but I insist upon it, out with it, Sir; without stuttering or spluttering; plainly and without comment. "*Spare your feelings;*"—bah!—well, in mercy I will not compel you to read out your own self-condemation, but I will repeat it for you, and in as loud a voice as may be typified by the boldest of capitals:—

(Extracts from Boosey's Pamphlet, 1835.)

"It may be as well to premise what we are about to say by informing those who may chance to meet with these pages, that they relate to an attempted and most injurious monopoly of Foreign Operas, which, so far as it has been practised, has been, and if allowed to continue, will be the means of completely preventing the musical public from obtaining some of the most beautiful of the music published abroad, and of depriving all English professors, music publishers, sellers of music, engravers, stationers, and the various other persons employed in the music trade, from obtaining that employment and profit which they would inevitably obtain if such monopoly did not exist.

"OUR OBJECT IS TWO-FOLD, VIZ: A JUSTIFICATION OF OUR OWN CONDUCT AS REGARDS THE MUSIC WE HAVE PUBLISHED FROM 'LESTOCQ,' AND TO AROUSE THE ATTENTION OF THOSE WHOSE AMUSEMENT AND LIVELIHOOD IS SO DEEPLY INTERESTED IN PREVENTING THE MONOPOLY IN QUESTION. IF WE SUCCEED IN DOING THE LATTER, IT WILL THEN REST WITH THE BRITISH PUBLIC TO SAY WHETHER THEY WILL ALLOW SUCH MONOPOLY TO CONTINUE, TO THE MANIFEST INJURY OF BRITISH INTERESTS; FOR IF THIS BE THE EFFECT OF THE LAW AS IT STANDS, THESE ARE TIMES WHEN PUBLIC GRIEVANCES ONLY REQUIRE TO BE EXPOSED, IN ORDER TO BE RELIEVED BY SUCH LEGISLATIVE ENACTMENTS AS MAY BE REQUISITE."

Have I copied these passages correctly? "You can't deny their accuracy;" well then, I will give you a few more of "your facts;" in page 4 of your book you said:—

"In the year 1818, when we commenced business as importers and publishers of Foreign Music, the celebrated operas of Cimarosa, Mozart, &c., had long since appeared, and Rossini had just begun to delight his admirers with one of his earliest productions—Tancredi. Yet up to the year 1827, when he altered his opera Maometto, one of his latest works, to suit the French stage, (where it was then represented under the title "Le Siege de Corinthe)," WE DO NOT BELIEVE THAT ANY LONDON PUBLISHER HAD EVER THOUGHT OF ENTIRELY

MONOPOLIZING TO HIMSELF A FOREIGN OPERA, WRITTEN FOR A FOREIGN STAGE, BY A FOREIGN AUTHOR RESIDING ABROAD, AND COMPOSED TO WORDS IN A FOREIGN LANGUAGE."

And in page 5 you added :—

"It is true, many arrangements of the Overtures and Airs from Foreign Operas had been made previously to the year 1827, by foreign composers residing in this country, at the request of London publishers; and such arrangements, or adaptations, were always considered as distinct copyrights by the trade, BUT NO ONE EVER PRETENDED TO CLAIM A COPYRIGHT IN THE ORIGINAL SOURCE, OR SCORE, WHICH WAS OPEN TO ALL: THE VALUE OF SUCH ARRANGEMENTS, OR ADAPTATIONS, DEPENDING IN A GREAT MEASURE ON THE SKILL WITH WHICH THEY WERE EXECUTED, THE FIELD BEING OPEN TO ALL, EMPLOYMENT WAS GIVEN TO CONSIDERABLE NUMBERS OF BRITISH PROFESSORS (THUS GIVING THEM AN OPPORTUNITY OF BECOMING KNOWN TO THE PUBLIC), AND AN HONOURABLE COMPETITION WAS CREATED, BY WHICH ALL PARTIES BENEFITTED."

And in page 12 you wrote :—

"We have several times been asked why the subject to which these pages refer was not brought before the *Court of Chancery*, that being the more usual tribunal in similar cases. The reason, we think, will be understood, when we state that THE PRESENT VICE-CHANCELLOR HAS ALREADY DECIDED THAT A FOREIGNER CANNOT CLAIM A COPYRIGHT, OR EXCLUSIVE RIGHT TO PUBLISH, IN THIS KINGDOM; AND CONSEQUENTLY, IT WAS TO BE INFERRED, CANNOT CONFER SUCH COPYRIGHT ON ANY OTHER PERSON. Another motive may be attributed to the fact, that from a decision of the Court of Exchequer an appeal can only be made to the House of Lords: whereas in Chancery an appeal from the decision of the Vice-Chancellor may be made first to the Lord Chancellor (and at a far less expense than an appeal to the House of Lords), and then from his lordship's judgment to the House of Lords."

"TO OUR OPPONENTS THE POINT THEY CONTEND FOR IS OF GREAT IMPORTANCE, AS THEY WILL, IF SUCCESSFUL, BE ENABLED TO MAINTAIN A MONOPOLY OF THE MUSIC TRADE,

WHILE TO US THE PROFIT OF THE PUBLICATIONS WHICH HAVE GIVEN RISE TO THE PROCEEDINGS IN QUESTION IS SO INCONSIDERABLE AS TO AFFORD A REASONABLE PRESUMPTION THAT WE SHALL QUIETLY SUBMIT TO THE RECENT DECISION, AND AFFORD OUR OPPONENTS AN OPPORTUNITY OF HOLDING FORTH THAT DECISION AS AN UNDOUBTED SANCTION OF THEIR ALLEGED RIGHTS, HITHERTO UNACKNOWLEDGED, OR INDEED UNHEARD OF, BY THE TRADE.

"WE TRUST, ALSO, THAT NOTHING WE HAVE SAID MAY IN ANY WAY BE CONSIDERED AS SHEWING A WANT OF PROPER RESPECT TO THE LAWS; FOR WE ARE SATISFIED THAT THE JUDGMENT GIVEN WAS ACCORDING TO THE LEARNED JUDGE'S OPINION OF THE LAW OF THE LAND, AND THAT HE WAS QUITE IGNORANT OF D'ALMAINE AND CO.'S REAL OBJECT IN OBTAINING THIS INJUNCTION.

"Should we have succeeded in making it appear clearly that serious injury to the British public must take place, if the monopoly of Foreign Operas is protected by our laws, there can be little doubt, in the present age of enlightened inquiry, that a clearer exposition of the present law will be made, and that a remedy will soon be supplied, by an Act made expressly to regulate musical copyright; more particularly as it is the opinion of many persons well informed upon the subject, that it ought to be the subject of a separate Act, and not, as it now does, form part of that for regulating *Literary* Copyright. If this is done, the claims of foreign authors will no doubt be duly considered; AND IF THEY ARE ALLOWED AT ALL, A LINE WILL BE DRAWN BETWEEN SUCH AS ARE RESIDENT ABROAD AND THOSE WHO ARE LIVING IN THIS KINDGOM, AND CONSEQUENTLY ENTITLED TO THE PROTECTION OF OUR LAWS.

"T. BOOSEY & CO.

"28, HOLLES STREET, CAVENDISH SQUARE."

These were your declarations in the year 1835. Can any-

body, after reading these extracts from your own pamphlet, believe that you had purchased an exclusive right to the use of "Sonnambula," or any other foreign Opera? And yet you had *afterwards* the hardihood to set up a claim to the "*Sonnambula*," which you had first published in 1831; and which claim, to have any value at all, must have begun with the publication of the music of that Opera—that is in the year 1831. The truth is, until the erroneous decision against you in the case of "LESTOCQ" (D'Almaine v. Boosey) in 1835, you had a clear conception of the true state of the Law of Copyright as regarded foreigners; your feelings induced you to denounce the decision of Lord Abinger, but your interest led the other way; and having, for a short time set *principle* against *pocket*—pocket finally prevailed and you concurred in what you knew to be an unrighteous and erroneous dictum of that Judge: and I will tell you why—the adverse decision with regard to Lestocq took a few pounds out of your pocket and its result was to put thousands into it; with your convictions why did you not appeal against Lord Abinger's decree? It was your duty to do so—and if you had done so, you would have been spared years of anxiety and your present humiliating defeat: your principles and your feelings have been outraged, but your pockets have been filled. You said (by implication) "I know Lestocq does not belong to D'Almaine, but as Lord Abinger says it does, I have as good a right to '*La Sonnambula*' as D'Almaine has to '*Lestocq*;' the fear of 'COSTS' will keep off the smaller members of the trade, and I shall be enriched by the exclusive possession of that which I intend to hold by intimidation; the larger publishers who are alone able to cope with me have similar unjust monopolies of their own by which they profit, and therefore I am safe from their attacks." Having resolved to abide by the consequences—and acting as you have all along done *against your own convictions*—how childish it is for you now to snivel about the costs of defending what you *called* "*your property*;" which never was your property, and which the highest

tribunal in the Queen's dominions tells you now you never were entitled to; but by the unlawful possession of which you obtained a place among Publishers, which neither your skill nor your enterprise would otherwise have enabled you to reach. You may abuse me as much as you please; *I have beaten you* morally as well as legally; you may fill up whole "Worlds" with your puny ravings against me, and your *tremendous* (!) sarcasms against "The House of Lords." I am ready to meet your attacks in any way and every way except that of submission; you may call in the aid of your "*Professors of Music*" and your "*English Musicians;*" you may get them to write letters like the two in your Number for the 5th August—in which each displays his happy ignorance of every fact of the case; only let them, if they can, stick to the truth, no cause was ever permanently benefitted by its perversion. And let no one utter in your pages such nonsense as "the very *foundation* of music lies in the productions of Mozart, Beethoven, and a long list of "alien foreigners:" for suppose there to be any meaning in this sounding phrase, what is the inference the writer would have drawn? Why,—that the works of Mozart and Beethoven had hitherto been held as copyright in this country, whereas he knows, or he ought to know, that neither Mozart nor Beethoven ever held or could assign copyright to any one in England: it is true he adds, with wonderful modesty, "I do not mean to question the decision of the House of Lords on the law of the case." Why not? He has as good a right to his fling at the Lords as Mr. Boosey, who tells us that "*the versatile Lord Brougham cannot sell his books* in the United States"; and infers therefrom that his judgment has been governed by his interest; what a disgraceful inuendo is conveyed in those words which I have quoted—one at which *even* Boosey must blush, I think, when he reflects upon the length to which his peevishness has carried him.

So far I had written before the publication of the "*Musical World*" of the 12th instant; where the subject is resumed

with a frantic indecency, which probably may bring Boosey once more to the bar of "THE HOUSE OF LORDS;" such abominable insinuations against, such vulgar abuse of, the highest tribunal in the Land, it can scarcely be conceived could have been used by the most disappointed suitor in the world—

"A beggar in his drink
Could not have laid such terms upon his callet."

In page 538 of "*Musical World*" it is printed "The three 'legislators' go on to say that, as a copyright cannot exist except by statute, and as our statutes were only made for ourselves, a foreigner cannot be protected in his supposed literary rights—*which is neither more nor less than a piece of abstract reason for a party purpose.* In reading such opinions, *we are inclined to believe that, in the House of Lords, the atmosphere of law is so extremely rare, that justice cannot live in it. We tremble for the future race of suitors.* This country pretends to set an example to others in its boasted liberal policy, more especially, in matters connected with education and enlightenment of the people; but, in the petty and lamentable case of the first of August, common sense, which spoke in favour of the poor author, was utterly extinguished by the logic, or rather sophistry, of certain noble Lords, who entertain, *or profess to entertain,* views of their own which are utterly at variance with those of the world at large."

I cannot wonder at Boosey's abuse of me when he can permit such slander against the Lord Chancellor and the "House of Lords"; with some ingenuity he conveys an insult even by the use of the inverted commas appended to the word "legislators."

I would gladly have avoided all personalities had not Boosey provoked them by his attack on my honesty—an attack in which he is supported by JOSEPH ALFRED NOVELLO, and the anonymous writer in the "*Illustrated London News.*" I am sorry for NOVELLO, who sang his song of triumph somewhat

prematurely, (see the article appended as copied from "*The Musical Times*" of 31st May, 1851.) It was certainly most gracious of him to patronize Lord Campbell, and to condemn the "*illogical decision of the Exchequer Barons;*" still it was unfair of him to accuse me of "*trying to live on the gratuitous use of Author's brains,*" and when he is acquainted with all the facts of the case between Boosey and myself, he will probably think I am not deserving of so much censure as he once passed upon me. Mr. Novello is, I believe, a thoroughly respectable man, with one little weakness certainly—he can only see one side of the question; and whatever he says must always, of course, be

"Wisest, virtuosest, discreetest, best."

I will not quarrel with him or his opinions, but I must attack his facts when I find them so vulnerable, as one recently set forth in a circular of his, where he calls the late decision "*the deplorable judgment of the House of Lords—a judgment reversing the decision, and given against the opinions of a large majority of the judges of the land.*" Six judges pronounced opinions in favour of Boosey's claim. Four judges were against the validity of that claim—and *each* of the four gave such lucid reasons for the decision he had arrived at that he completely disposed of all the arguments of the six; as is evidenced by the *unanimous judgment* of the three Law-Lords. Well then, counting noses only, I say nothing of heads, there were *six for* Boosey, and *seven against* him. What becomes then of Mr. Novello's statement? *Is it true?* Novello is so partial to litigation that he would reconstitute a new system.

1st. A Trial in "Court of Exchequer."
2nd. Writ of Error to "Exchequer Chamber."
3rd. Appeal to "House of Lords."
4th. And final Judgment.

Mr. Joseph Alfred Novello,
69, Dean Street, 24, Poultry, and
389, Broadway.

And of course the final judgment would then be "just the thing," for one person at all events.

Having cleared the way so far, I will briefly revert to the article referred to as having appeared in "The Illustrated London News" of the 19th instant; and which article I reprint in a part of this pamphlet; nor must I here omit to notice one most glaring blunder in "Town and Table Talk," &c., page 155 of the same number of the "*Illustrated London News*," a blunder arising probably either from obtuseness, or from inattention to the subject written about, but little less excusable than a wilful falsehood, inasmuch as no man has a right to assume the office of a public mentor without informing himself of the facts about which he is writing; he says "Some side with the Court of Exchequer, who pronounced *in favour* of a foreigner's right to a copyright in this country, and others in favour of the recent decision of the House of Lords, which reversed the judgment of the Court of Exchequer." This is altogether wrong; the decision of the "Court of Exchequer" was *against* the right of the foreigner, and the House of Lords *affirmed* that decision.

The Writer then proceeds to argue about the interests of American Authors—is he ignorant that our legislature has passed an "International Copyright Act," to which the American law-givers may impart vitality, by giving in America that right to English Authors, which Americans wish to enjoy here, and which they *did* enjoy here, until the Law Lords reversed Lord Campbell's decision: the injustice of which decision may be thus clearly exemplified. Under Lord Campbell's construction of the Copyright Acts—Mrs. Beecher Stowe held a Copyright in Great Britain (*as well as in America*), in her "Sunny Memories of Foreign Lands," while a Copyright is by the American Statute expressly denied to English Authors, *even though they be resident in the United States, until they become American Citizens!* Let us have perfect reciprocity—Copyright in both Countries for the Natives of each, or Copyright only for each in the Country to which he owes allegiance. If to act upon such a principal

be piracy, I am quite content to be a Pirate. I cannot believe that when war is made upon us we ought to fold our arms—to let the foreigner enrich himself by the use of our productions, without our making reprisals. As a Publisher of Music I stand up for the rights of British Composers and Arrangers. Music requires no translation—the notes of the German—the Italian—the American and of all other civilized nations are read alike, and bear the same signification in all Countries; if, therefore, Mr. Boosey and Mr. Cocks want a classical arrangement for the Piano-forte of "*Pop goes the Weasel,*" "*Nix my Dolly,*" or "*Vilikins and his Dinah,*" let him employ an English Arranger; there are plenty waiting to be employed who are quite equal to the undertaking; if either prefer the treatment of some foreign Chapel-Master, who, owing to his native appointments and emoluments; can afford to work more cheaply than the English Musician, let there be no "Copyright" in such publications—and I say the same of the most meritorious Compositions, until our British Composers and our British Authors have Copyright in their works ceded to them by Foreign Legislatures, let no such rights be possessed by Foreigners who send their works to this Country. Equal justice to all—while British Authors are obliged to be content with the remuneration afforded by our own Country, let the Foreigner be satisfied with the reward to which he is entitled from the people among whom he dwells. When he comes to England fairly to reside with us, to bear a portion of our burthens, to owe allegiance to our Government, and to conform to all the provisions of our laws, those laws provide for his protection; to that protection he has certainly no claim until he voluntarily brings himself within the scope of their action.

The silly arguments about "watches," and "snuff-boxes," and "sheets of paper," could have emanated only from a man bordering on a state of idiotcy—*one* who cannot distinguish between the difference of multiplying copies of a book and stealing a diamond from a snuff-box; yet if he will answer

the question below, and let me know who he is, I will undertake to convince him altogether of his error.

My question is :—

"Supposing Ricordi to have bought of Bellini, a "snuff-box studded with diamonds;" how could he have kept and used that box, &c., *in Milan*, and *owned the property* therein to the day of his death—while he had brought over the box to England twenty years ago, and Boosey held it in London, until I stole it from him—while all the time Ricordi had it in Milan; and even after I had stolen it, Boosey had it, and I had it, and Ricordi had it, and everybody else had it, who chose to put out his hand and grasp it?—Oh! this ubiquitous snuff-box—poor Sir Boyle Roche's blunder, "that no man could be in two places at once, *unless he were a bird*," was not so bad after all: if he had said, unless the man were a snuff-box—Boosey couldn't have laughed at him, nor Boosey's representative in the "*Illustrated News*," who "pokes his fun" at the public in the following amusing manner :—

"An important question of Copyright has lately been decided by the House of Lords, but decided in such a manner as to show that the law of England is sometimes absurd as well as unjust. A short history of the now celebrated case of Boosey against Jefferys, or Jefferys against Boosey—for plaintiff and defendant have changed places in the course of the protracted litigation—is a necessary preliminary to any arguments upon the principles involved in the question. In the year 1831, Bellini, the composer, resident at Milan, composed in that city the music of the well-known and beautiful opera entitled "La Sonnambula." Of course Bellini did not consider his work to be public property. He did not write for the pure love of writing—but with some expectation of pecuniary recompense. He looked upon his composition as his own; and expected to live, like other men of genius (and of no genius), by the proceeds of his industry and his talent. He, therefore, in the exercise of his undoubted privilege, disposed of the copyright to a person named Ricordi; and the opera of "La Sonnambula," not having been previously pub-

lished, became the property of the person last-mentioned—as a watch, or a cask of wine, or a bale of cotton, or a new paletôt, might have become, under the same circumstances of *bonâ-fide* purchase. Mr. Ricordi came to England with his property, and disposed of it for a consideration to Mr. Boosey. But, although Mr. Boosey, if he had purchased the watch, the wine, the cotton, the paletôt, or even a quire of blank paper from Mr. Ricordi, would have been protected in such purchase by the whole weight and majesty of English law; and although to dispossess him against his will of either of those articles would have been held to be an act of felony, or at the very least of petty larceny, the law did not protect him in the possession of the work of M. Bellini's genius. Mr. Jefferys—who had given Mr. Ricordi and Mr. Boosey nothing—reprinted, for his own profit and advantage, an air or airs from "La Sonnambula," relying upon the vague and unsatisfactory state of the law of copyright; and denying, in fact, that Mr. Boosey had, or could, acquire, by purchase or otherwise, any copyright whatever in the works—musical or literary—of a foreigner resident abroad. An action was brought by Mr. Boosey in the Court of Exchequer to establish his right, through Ricordi, and, therefore, through Bellini. It was decided against him; whereupon Mr. Boosey appealed, and a new trial was granted by the Exchequer Chamber. In due course the case came before the House of Lords as the ultimate legal tribunal. Last week, their Lordships finally decided that Mr. Boosey had acquired no copyright—and that Mr. Jefferys, who would not have been free to appropriate to himself the blank paper on which M. Bellini had determined to write an opera—was free to reproduce the musical notes, which gave the valueless paper a high market price. Such, it appears on the highest known authority, is the state of the English Law of Copyright, except in the case of France, with which country we have international arrangement consistent with common sense and common justice. If this be really the law—and after the decision of the House of Lords there is no longer room to doubt the fact—practical men will have little hesitation in

declaring their conviction that it requires to be changed as speedily as possible. If it does not go to the full extent of treating foreign men of genius like foxes or wolves, as *feræ naturæ*—(for if the foreigner will come and write his work in England, he may sell it in England, and his assignees may set all the race of pirates at defiance)—yet it treats the foreigner generally as a person who has no claim upon English equity. It establishes a difference between more tangible merchandise, such as legs of mutton and broadcloth, and the compositions of men of genius, thereby ignoring the essential fact that men of genius look, like other mortals, to earn legs of mutton, broadcloth, hard cash, and all other necessary supplies of their physical wants. If we look to the practical operation of such a state of the law, we find that Mr. Washington Irving, if he had been a cotton merchant, might have sent over to Mr. Bentley any quantity of cotton—and no man, foreigner or English, could have robbed Mr. Bentley of the smallest quantity of that cotton without incurring the penalty that attaches by the laws of all civilised countries to those who wilfully break the eighth commandment; but Mr. Washington Irving being only an author, who writes immortal books, cannot convey to Mr. Bentley any property in such books, unless it be in the actual manuscript, or sheets of paper, on which his thoughts are written. The thoughts themselves belong to Mr. Jefferys, or to Mr. Jones, or to Mr. Anybody, who chooses to make a profit out of them. Such a state of the law is rather too scandalous to be tolerated in a civilised country, which is, or ought to be, proud of its literature and its arts, and of the encouragement which it is supposed to afford to them. Possibly this state of things may be remedied by an international copyright—such as has, happily, been established between this country and France. At all events a remedy of some kind ought to be applied. Our intellectual intercourse with Italy is not great, and future Bellinis will, doubtless, avail themselves of a visit to London before they assign their property for publication in this country; but it is in our intercourse with America that mischief and disgrace will ensue if the law be

not altered. These great nations will continue to be the mutual pirates that they are at present, and literature in both countries will soon be abandoned as a profession, by every man who expects to perform what the world so rigorously exacts of him, that if he eat he shall pay, and that if he live in society he shall fulfil all the obligations of a citizen. It seems strange that so simple a question should have been made so complicated by the lawyers—or, perhaps, we should say by the Judges; but we hope the day is coming when sounder principles will prevail, and when it will be, at least, as great an offence to rob authors, or their assignees, of their literary property, as it is to steal handkerchiefs or watches from the pockets of the passengers in Fleet Street, or the Broadway of New York."

As the "*Illustrated London News*" is seldom bought except for its pretty pictures—its readers have no more right to expect to see reason in its "leaders," than to find news in its columns; so merely referring to the notice of the "great snuff-box" argument of Boosey in page 17 of this pamphlet, as an answer, by anticipation to the pictorial print, I will waste no more time in combatting its absurdities.

A few remarks, however, on the pretensions of the Publishers it represents will not be out of place:—

O the cant and humbug of these Purists! these pretenders to liberality, these men who are so awfully shocked at the thought of living on the unpaid-for "brains of poor Authors," they have made their *precepts* known far and wide; I will expose their practice, which has been simply this:—a Foreign Composer of an Opera sold his work to a Foreign Publisher for publication in the Country in which the performance first took place; the Foreign Publisher had the full advantage of publication for which he had paid, by printing the music in that Country—say in Italy; he then, for a sum of money perfectly insignificant in proportion to the amount paid to the Composer, sent over proofs of the principal airs to an English Publisher, who resorting *to the trick of simultaneous* publication of these few airs, and by making entry at

Stationers' Hall, claimed a Copyright *in the whole Opera*, to the total exclusion of all English Arrangers, who would have been extensively employed by the Trade of Music Publishers to make numerous arrangements according to the varied abilities of those English Arrangers. It is well known that a popular air, or even a fragment of a popular air, serves merely as a basement upon which the clever Musician raises a superstructure of his own—until the year 1835, English Musicians were extensively employed in this way; but after Lord Abinger's erroneous decision in the case of "Lestocq," this was all ended: there was no more necessity for English Arrangements —*they would have to be paid for*—and so they were not wanted. But these impudent Purists, who now prate about piracy, adopted this *honest* and *liberal* practice; they waited until the French, German, and other national musicians published their arrangements of the airs, &c., of the Operas claimed by these Purists, and then in virtue of the latter's hold upon the Melodies, they *without payment of a penny* seized upon the productions of *all Foreign Composers*, and claimed an exclusive Copyright in all those arrangements—hence the decline of English Music; there was no opportunity for English Musicians to display their talents for arrangement; Publishers, like myself, willing to employ them *were not permitted to do so*—and there was no place in which English Composers could get a hearing for original works. England became overrun with Foreign Musicians and Foreign Music-masters, and for every man of true genius who honoured our country by his visits, we were cursed with the pretensions of ninety-nine ignoramuses, whose only recommendation was their foreign name. The English Press generally, and the "*Musical World*" particularly, has lifted into notoriety—aye, even to the very pinnacle of musical fame, some of the vilest pretenders to musical knowledge. The foreign concoctor of a paltry Polka, or a still more wretched Quadrille, has been extolled as another Beethoven! Superlatives have been lavished over and over again, a thousand times, upon some empty-headed and extravagantly dressed Conductor, who scarcely knew the difference of beat

between a $\frac{3}{8}$ and a $\frac{2}{4}$. Can we then wonder at the scorn with which the very names of England's Composers are met; their brothers of the Press have so bespattered with praise the puniest of foreign pretenders, that when they do by chance extol a true English Musician, their approval goes for nothing.

It is true that sometimes the English Mountebank of music is as fortunate in getting into the "good graces" of our "English Critics" as the Foreign Empiric, and we see a low and vulgar Vocalist bawl himself into fame and fortune by the aid of the members of the Press—most of whom openly, among themselves, deride him, yet publicly praise him. I speak what I know; and if the blush of shame should mantle upon the cheek of any one who may happen to be leaning over this page, I say for his own sake, for the sake of "the Press" itself, and more than all, for the Sacred cause of Art,

"Reform it altogether."

The "*Law Times*" of the 12th August contains a verbatim report of the Judgment delivered in the House of Lords, on the 1st August, for the information of those persons who have not read that publication, the following extracts are appended.

The Lord Chancellor thus concludes: "Being thus of opinion that no English copyright ever existed in this work, I have not thought it necessary to go into the minor and subordinate inquiries, on which it might have been necessary to come to a conclusion if my view on the greater question had been different; and I now, therefore, merely move your Lordships that the judgment below may be reversed, and that judgment be given for the plaintiff in error."

Lord Brougham: "But I also consider the statute of Anne itself as plainly indicating the opinion of the Legislature, that there was no copyright at common law. This appears throughout its whole provisions, and manifestly from this, that its purpose being, as stated in the preamble, 'to

encourage learned men to compose and write useful books,' it vests in the authors and their assignees the exclusive right of printing for twenty-one years and no longer, from the 10th of the following April in certain cases, and in other cases fourteen years from the date of the publication. Surely, if authors and their assignees had possessed the unrestrained right at common law, this restraint upon it would hardly have been deemed an encouragement, even coupled with the not very ample or stringent remedies provided by the Act. It being, therefore, in my judgment, unquestionable that the statutes alone confer the exclusive right, can it be contended that the Legislature had in contemplation to vest the right in any but its subjects, and those claiming through them? These statutes are, or rather the statute is, that of 8 Anne, c. 19—for the 54 Geo. 3, c. 156, does not alter it, except by extending the period of the monopoly, and in no way affects the class of persons to enjoy it, as my noble and learned friend has justly observed. We are therefore to rely upon the statute of Anne. The encouragement of learning by encouraging learned men to write useful books is declared to be the object of the statute, and that object it pursues by giving the author and his assigns a monopoly for a limited period. The Legislature gives this encouragement at the expense of its own subjects to whom the monopoly raises the price of books. Generally we must assume that the Legislature confines its enactments to its own subjects, over whom it has authority, and to whom it owes a duty in return for their obedience. Nothing is more clear than that it may also extend its provisions to foreigners in certain cases; and may, without express words, make it appear that such is the intendment of those provisions. But the presumption is rather against the extension, and the proof is rather upon those who would maintain such to be the meaning of the enactments. It can hardly be contended that, a century and a half ago, the Parliament was minded to encourage learning at home by encouraging foreigners to write books at the expense of the British purchaser—that

a monopoly in our market was to be established for the sake of foreign authors, who might be thus induced to write, and thereby benefit our people. We cannot say that foreign authors were wholly out of the contemplation of the Act, that their case was *casus omissus*. There is express provision made for the importation of books in Greek, Latin, or any foreign language, notwithstanding the prohibitory enactments. It was, therefore, assumed that foreigners would publish abroad, and that their works might be brought over. . . . I am of opinion that the judgment of the Ex. Ch. must be reversed, and the exceptions to the ruling of the learned judge who tried the cause disallowed. The judgment will be for the defendant below, the plaintiff in error."

Lord St. Leonards: "My Lords, the bill of exceptions states it in this way, that there is by the law of Milan a copyright in Bellini, and that Bellini transferred that copyright to Ricordi. Now, just stop there for a moment, and let us see how it will stand. A copyright by the law of Milan can, of course, have no effect in this country. I do not myself quite understand the argument that a first publication abroad gives a general right, because it is rather difficult to conceive, if a man publishes in his own country, and the copyright is secured to him by the law of that country, giving him under the sanction of that law a limited right in his own country, that he thereby acquires in all other countries an unlimited right. If you were to look at international obligations, it would be rather difficult, perhaps, to come to that conclusion; but, however, that is rather a separate point. Now the law of Milan, which gave to Bellini this copyright, could of course give him no right in this country; that is perfectly clear—nobody disputes that. But it is said that he has a right, as he would have to any personal chattel, to his composition; and that, that right being properly transferred as it is stated in the bill of exceptions, by the law of Milan to Ricordi, who afterwards transferred it to Boosey, therefore the right now exists in Boosey. The first question is, how can a right exist in Bellini, as a foreigner, to copyright in

this country? He has it by the law of Milan, because he is a native-born subject, or a subject at all events by residence, and the law of that country gives it to him; but, the moment he steps out of that country, he can have no other right than is involved in the mere possession of the subject-matter in his hands, except so far as any country to which he resorts may give him a right. Then, in order to obtain copyright here, he must come and perform, as I have already shown, the condition annexed to the enjoyment of that right; and I hold it, my Lords, to be perfectly clear, that that condition is, that he must reside in this country. Then, if that be so, as he did not perform that condition, he never had the right to assign, and he could not therefore assign that which never existed. Remaining abroad, he could not have the right, for the common law of this country gave him no such right—neither did the statute law of this country give him any such right. Therefore, whilst at Milan he had a Milanese copyright; but he had not, and could not, acquire a right in this country; and, if he had no right in this country, he could assign none. I hold it, therefore, my Lords, to be perfectly clear that that would be of itself an answer to the claim. But I think that in the bill of exceptions it is said that there was an assignment of the general right to the copy, and that therefore the party bringing it here would be entitled to the benefit of the statute. If you will look at the bill of exceptions, you will find it stated (it may be a technical construction, but I hold it to be a statement out of which you are not at liberty to depart) that the thing assigned by Bellini was the Milanese copyright. Then if it was the Milanese copyright, and that copyright gave no right here, and the condition had not been performed which must be performed before any right could be acquired here, the assignment was altogether void as regards this country, and consequently it could not transfer any right to Ricordi. But supposing it did transfer a right to Ricordi, then what right did Boosey obtain under Ricordi? Why, the assignment from Ricordi to Boosey was expressly confined

to publication in this country. Now, if there be one thing which I should be inclined to represent to your Lordships as being more clear than any other in this case, it is that copyright is one and indivisible. I am not speaking of the right to license—but that copyright, properly considered, is one and indivisible. It is a right which may be transferred, but which cannot be divided. Nothing could be more absurd or inconvenient than that this abstract right should be divided, as if it were real property, into lots, and that one lot should be sold to one man, and another lot to another man. One cannot tell what the inconvenience would be. You might have a separate transfer of the right of publication in every county in the kingdom. If, however, the right, as I am advising your Lordships, is properly one and indivisible, then let us see what construction can be put upon the assignment from Ricordi to Boosey. The exercise of the right is confined in that assignment to the United Kingdom. Now, by the 41 Geo. 3, c. 107, copyright is extended to every part of the British dominions in Europe; and by the 54 Geo. 3, c. 156, it was further extended to every other part of the British dominions. It is quite clear, therefore, that if in this case there was a copyright under the law of this country, it was a copyright which extended to every portion of the British dominions. Then, as Ricordi limited his assignment to the United Kingdom, and therefore reserved to himself the right as regarded the publication in every other part of the British dominions, even considering the right in England, if I may so call it, as being capable of being severed from any foreign right, it would consequently be a partial assignment, and, as a partial assignment, I should venture to recommend your Lordships to decide that it was wholly void, and therefore gave no right at all. There is also, let me observe, this peculiarity, that, as the assignment from Ricordi is confined to the United Kingdom, Ricordi himself might, without any breach of the contract, have published this composition in any other part of the British dominions. He might also by his Milanese right have published it the very next day in Milan, without infringing

upon the right of Boosey under the assignment. The more, therefore, the question is considered, the more, I apprehend, it will appear clear, that the assignment in question was void, because it was limited to the United Kingdom, and did not extend to the whole of the British dominions. . . My Lords, upon all the grounds which I have stated, I have come to a conclusion satisfactory to my own mind, but, at the same time, not without great consideration and much hesitation—not hesitation, I must candidly say, created by any doubt, which I have myself felt, but I have been impressed, and properly impressed, not only by the arguments at the Bar, by the elaborate opinions which have been delivered but by the learned judges. Agreeing as I do with my noble and learned friends in the conclusion at which they have arrived, my advice to your Lordships is, that the decision below should be reversed."

Judgment of the Ex. Ch. reversed.

I justify my remarks upon Mr. Novello, by appending his article in the "*Musical Times*" of 1st June, 1851:—

"The important decision given by Lord Campbell, eight other Judges assenting, 'That copyright can be enjoyed in England by foreigners and aliens,' will be found in full below, and it will be hailed by all well-wishers to the literature of this country. The recognition of an author's right to the result of his own brains, appears to us to be as 'good honesty' as this high authority has pronounced it to be 'good law.'

"The object of every copyright act has been to advance the interests of learning, by inducing authors to print books in England; and, in return for the benefits arising to the country from such publication, the right of 'copyright' is conferred on 'the authors of any book,' on fulfilling one condition, viz., that the book be first printed and published in England. By this condition the nation secures to itself the benefit arising from publication; and it derives that benefit equally, whether the author be English or foreign-born. If the first printing of books in England be of the

national utility supposed by the promoters of all the copyright acts, it is difficult to see how we could honestly refuse the right to an author who had fulfilled that condition, merely because he was alien; and it is comforting to find that the law confers what is honestly due. The words 'the author of any book' seem large enough to include authors of every nation, and had been deemed to do so by the legal courts, until the illogical decision of the Exchequer Barons, from which we gather that the cultivation of the intellect of English subjects was not promoted by the publication of clever books, if they happened to be written by an author born out of England. England and English law has been released from being supposed to sanction such absurdity, by the lucid opinion of Lord Campbell.

"'The Court saw no sufficient reason for thinking that it was the intention of the Legislature to exclude foreigners from the benefits of the statutes. The British Parliament has no power to legislate for aliens beyond the British territory, but within the limits of that territory it has the power, and the Court conceived that the general words must be presumed to do so. The monopoly which the statutes conferred is to be enjoyed here, and the conditions for the enjoyment of it are to be presumed here. What was there to rebut the presumption that aliens are entitled? The statute 8 Anne, c. 19, is for the encouragement of learning, by vesting the right in printed books in the authors thereof. Assuming that the Legislature intended this necessarily for the encouragement of learning in Great Britain; might it not be for the encouragement of learning that foreigners should be induced to send their works here to be first published?'

"It is to be hoped, the legal right of all authors being now thoroughly established, that the English copyright will serve as an important inducement to influence the clever of all nations to write with a view to publication in this country.

"Much trouble has been taken by those publishers who have tried to live on the gratuitous use of authors' brains, to confuse the subject of copyright by rousing national preju-

dices, and wishing that copyright should be denied to alien authors, because they were born in a country whose government did not recognise the rights of authors as extensively as England does, although these authors had conferred the benefit on England of first printing their works here.

"Such men would reduce England to the literary poverty of America, in order that the pirates there should have nothing to rob English literature of. A glance at the literature of America and Belgium will, perhaps, be the best proof to English author of honesty being the best policy in the case of copyright as in all other things. It is not in the nature of publishers to pay for the writings of native authors, if they can help themselves without cost to the brains of alien authors. And so surely as the authors of this country would maintain the value of their own writings, let them be just to alien authors. The American nation submit to literary starvation, in order that a few pirates may benefit by reprinting English works,—at present America has no authors except the few encouraged by English copyright; but once let the United States give to 'the author of any book' as secure a right as Lord Campbell's decision will give him in England, and but few years would pass before native American authors would arise and obtain a fair reward for their talents.

"The English non-copyright men (to call them by no harsher name) have also tried to mix up the use and objects of the International Act (1 and 2 Vic. cap. 59), with the various copyright acts of Anne to our present 5 and 6 Vic. cap. 45. The first regulates, in certain cases, books FIRST PRINTED and published in FOREIGN COUNTRIES; all the other Acts regulate books FIRST PRINTED and published IN ENGLAND. The public have a well-ascertained benefit, by the security of a sufficient supply of copies printed in England, in return for the right they give of copyright; but the advantages derived by the public from the International Act are very doubtful, and it appears rather a concession to the acknowledged property of an author, in the result of his own brain, than the direct interchange between public and author, as in copyright."

I contend that it was highly indecent in Novello to print such an article during the progress of an important cause. He, like Mr. Cocks, deemed that I was beaten. I did not think so; and, as the result entitles me to a laugh at their expense, I owe neither of them any ill-will; and I give them credit for feeling as much indifference about me, as I really feel about them. I hope, for their own sakes, now that they have done worrying me, they will not, like the Kilkenny cats, turn upon and eat up each other; and that, in their mutual desire to pour their pages into the parlours of the public, both will remember that every page should bear a fair margin —of profit. If Mr. Novello originates a new style of publication and occupies the field fairly as he has done, I should consider myself particularly base to interfere with the even tenour of his way—especially if, by so doing, I were to injure him without benefitting myself; and, with this *leetle* pun, which will be best understood by the parties concerned, I take a final farewell of both.

In connection with the case, one disagreeable little incident, which occurred in May, 1851—I refer to, in order that those Members of the Trade, who happened to be cognizant of the circumstance may know that I have heartily forgiven the person whose conduct nearly caused me to commit a "breach of the peace." On reaching Westminster Hall, immediately after Lord Campbell's judgment in the Exchequer Chamber—Mr. Robert Cocks, hat-in-hand, with a mock-respectful bow, and one of those peculiar grins, which Dickens has immortalised as belonging to Mr. Carker, availed himself of the opportunity of taunting me with my defeat—in the irritation of the moment, I used language to him somewhat stronger than the rules of good breeding and politeness would permit: as the ultimate judgment in my Cause put "the grin upon the other side of his mouth," I felt it my duty as a "Man and a Publisher," to tender my forgiveness to him, and in pursuance of that duty, I had the gratification of addressing the following letter to him, which I trust he duly received.

"21, Soho Square,
"15*th August*, 1854.

"To MR. ROBERT COCKS.

"Sir,

"To condole with the unfortunate, and to sympathize with the disappointed, is at all times a pleasant duty to the well-disposed—I would, therefore, fain pour the balm of consolation upon thy wounded spirit, and soothe thy anxieties in the gentlest tones of friendship. To a man of thy tender susceptibilities, to a creature so abounding in the milk of human kindness, the sad reversal of the good Lord Campbell's judgment by those wicked Law-Lords, the Chancellor and the Peers Brougham and St. Leonards must have been a direful blow: where is the heart so stern, that does not bleed for thy misfortune?

"O how different now is thy appearance to the blithesomeness and jollity, with which thou didst greet me upon the day that I was beaten, as thou didst believe for ever, in the Exchequer Chamber; ruined, as thou didst suppose, by those demons of litigation, the lawyers bills—thou hadst a smile for *my* misfortunes, and a soothing joke in my moment of defeat; with what pleasantry didst thou express thy *"hope that I was satisfied,"* and how didst thou pride thyself on thy wisdom and thy knowledge of the law: great indeed was thy glorification, and has it come to this—must I, who then could not appreciate thy smiles and thy jokes, now repay thy mirthfulness with tears of sympathy? Be comforted—let not the wail of woe be heard within those walls where, in the days of "Cork and Orrery," the notes of joy resounded.

"Cheer up, Robert, cheer up my friend; thou universal benefactor, cheer up!—let the pleasant light of thy countenance still shine upon the street of Burlington, and when thou goest to thy pillow, remember how thou didst taunt me, and be thankful that I do forgive thee.

"One duty thou owest now unto the cause of truth—remove from the frontispieces of thy publications the words,

"This work is Copyright,"

Be satisfied with what thou hast, and rejoice also in the good which may attend on others; for thy health's sake, banish envy from thy bosom,

"And believe me, to be ever thy devoted friend,

"And sincere well-wisher,

"CHARLES JEFFERYS."

A FEW SUPPLEMENTAL REMARKS

IN THE CASE

JEFFERYS *v.* BOOSEY.

THE "MUSICAL WORLD."

THE *weakly* little quarto called "THE MUSICAL WORLD," which, owing to the generous forbearance of many of the numerous printers who have been victimised by it for the last six or eight years, has been permitted to drag on its miserable existence to the present time, took occasion on the 9th instant to insert a letter signed "A LONDON PUBLISHER;" who the cowardly little creature may be, who shrinks at the sight of his own name, I have at present no means of ascertaining, and therefore I confine myself to a few remarks upon his letter:—but first I would make known to "the Trade," that several of the largest Publishers have combined for the purpose of printing from each others *non-copyright* plates; and a very wise combination too, inasmuch as one set of plates, assisted by lithographic transfers will serve for all those Publishers, instead of each firm having to pay for a set of plates for itself; now the desire on the part of another set of Publishers to adopt a similar economical plan has roused the ire of this pitiful "London Publisher," who under cover of his incognito, emits his would-be venom in the following fashion:—

"THE MUSIC PUBLISHER'S SOCIETY.

"To the Editor of the Musical World.

"SIR,—While your time is engrossed in attending festivals, and discussing the merits of new organs, and other weighty matters, allow me to draw the attention of your readers to an affair of no great importance, but yet of some indirect interest to composers, teachers, and purchasers of music.

"The circular which follows was addressed to a friend of mine, a respectable music publisher of the metropolis :—

"'*London, August 31th,* 1854.

"'Sir,—The undermentioned having agreed to form a Society, intend to have a meeting on September 2nd, at two o'clock, at Mr. Jefferys', 21, Soho Square, to carry out the rules, the heads of which we submit for your inspection (see other page). If you approve of the Society, we shall be glad to add you as a member.

"'C. Jefferys. "'H. Tolkien.
"'B. Williams. "'J. Williams.

"'PROSPECTUS OF THE MUSIC PUBLISHERS' SOCIETY.

"'To consist of music publishers only, each to pay £3 (or more, as may be agreed) per month, to form a fund for publishing non-copyright works; each member to print as many as he pleases of any work. Any member having already engraved the plates of a work which the Society decide on engraving, can have the option of selling it to the Society at the same price as it would cost the Society. Any member having legal proceedings commenced against him for selling any work or works published by the Society, is to be defended at the joint expense. It is suggested that by employing one printer and printing long numbers off, it will prevent the wear of plates, and the saving of expense in the printing and wear of the plates will ultimately more than repay each member for what he advances. All regulations to be decided by majority.'

"*Considering the character of the gentlemen whose names are attached to the circular,* you will not wonder that my friend did not view the invitation in the light of a compliment as it was intended; but feeling *himself unworthy to join such a respectable body,* he declined the honour with thanks. Having caught sight of the paper, I immediately thought of forwarding it to you with a few explanatory remarks, believing that, in this case, a little insight to the goings on behind the scenes would have a wholesome effect upon the future purchases of the many unsuspecting amateurs who read your journal.

"The plain and unsophisticated interpretation of the circular is as follows:—

"A number of individuals, who hold that to take a man's property in the name of the law is the greatest virtue, on the 1st of August unexpectedly found themselves *supported in their views by a judgment of the House of Lords, which confiscated the property of all foreign composers and publishers.* The occasion which presented itself was so sudden, the gold field so extensive and dazzling, and *the resources of a greater part of the fraternity at the time so meagre* that it was found impossible for any single-handed member to help himself largely to the spoil. It therefore occurred to *one gentleman* to call upon some others of the *same persuasion* as himself, and propose an union of their resources for their common good against their common enemy the proprietors. The idea was no sooner thought of than adopted, and a select number of individuals, *whose spare capital amounted to about* £3 *a month each*, have united together to invest their *'little all'* in the engraving and printing of the choicest works that have been acquired by respectable publishers *with large sums of money* during a course of many years' speculation. The only advantage which the proprietors possess over these adventurers *is capital*, and it is to meet this drawback, and the contingency of legal proceedings, that the association is formed which is described in the prospectus. The paragraph relating to legal proceeding is extremely mysterious and curious. It almost suggests that in case the undertaking should turn out very prosperous, the Society may think it worth while *to publish copyrights and non-copyrights indiscriminately*, and defend actions for the former 'at the joint expense.' *There can be no other meaning to* this proposition, for, if the Society publish non-copyrights only, I cannot understand why they should require a fund for legal proceedings, unless for the purpose of settling their internal squabbles, in which case I should think it a useful provision. However, without dwelling longer upon the prospectus, I will just state in what way this scheme of *committing piracy by letters of marque will affect the public.*

"All the music published by the Society will be disposed of to the trade at almost fabulous low prices. It cannot be otherwise; for it is only by offering very low terms to the dealer that the 'Society of Music Publishers' can be able to effect any business; and, *having never paid for any of the articles they sell,* it stands to reason they will be able to sell them cheaper than those who have. *But no advantage whatever will be given to the public in the price of this music, which on account of the new law, falls in market-price like corn or any other commodity from which the duty is repealed. The public knows nothing whatever of the change, and enormous profits are pocketed by the retailer.* It is the effect of these profits on the dealer—and I regret to add also on the professor—which will affect the public, and ultimately be injurious to the interests of British and all other composers who expect to be paid for their manuscripts. As *the new version of the law* renders a greater part of the continental music available to the 'Society of Music Publishers,' a quantity of this music will be indiscriminately reprinted, and forced upon the public by the professors and dealers. Whatever may be the merit of the works reprinted, it will be impossible to say, but at all events they will flood the counters of the musicseller, *who in his greediness to swallow large profits* (which should have been given up to the public long since); will *exempt* all other music from his stock. That this will be the effect of the system no one will deny who has any acquaintance with the character of provincial business.

"*I think I have proved that the judgment of the House of Lords cannot be a source of advantage to English composers, or indeed any other class of persons but unprincipal publishers.* That these men should proceed in their *speculation* in such *an open manner,* and that they should find supporters in the country, *are curious and ominous facts,* which I leave to the consideration of our moralists and philosophers.

"I am, Sir, your very obedient servant

"A London Publisher."

The foregoing is copied *verbatim* from the Musical World.

I have to remark that I have known the subscribers to the circular as *Tradesmen* for at least twenty years—that I have never heard of anything derogatory to their characters, and that I would much rather trust either of them than some of the *gentlemen* connected as writers with the "*Musical World*," who in their boasted *pride of capital* pretend to look down on the subscribers to the Circular. By-the-way, what a silly vaunt is this cry of capital from the great Music-Publishers! Why if all the lead and pewter contained in their cellars *and their brains* were heaped together and melted into one mass, its value would be perfectly insignificant compared with the money invested in a tin-pot and teaspoon shop, like that at the corner of a street, in Oxford Street.

I will address myself now to the argumentative portion of the letter from the "London Publisher."

He says:—"All the music published by the Society will be disposed of to the Trade at '*fabulous low prices*,'" &c. &c. (*see letter*).

The first sentence is as absurd in its conclusion as it is faulty in its grammar: I can scarcely suppose any set of men seeking for business at "*fabulous low prices*" unless these "*fabulous low prices*" produce a legitimate share of profit.

I suppose that the muddled head of this "boozy"* publisher calculates that the stationers make us a present of their paper, and that the poor printers are amply repaid by the pleasure of working for us; because, *noodle as he is*, he cannot believe that we otherwise have been allowed to conduct our respective establishments in the same houses for twenty years without paying for any of the articles we sell! Such are the absurdities, which this silly and little-minded fellow falls into, in his weak attempts to uphold a worthless cause!

It is no fault of mine, if Boosey and a few other Monopolists have lost the *little* money they have paid for assumed Copyrights—I touched nothing whatever belonging to any of them, or to which Boosey or anybody else had *the shadow of a claim*:

* "Boozy," "bosky," "buffy," "beery," synonyms for "*tipsyness*," see "*Household Words*," No. 183.

my catalogue consists almost *wholly of English Copyright Works, bought of English Authors and Composers.* The decision of "THE HOUSE OF LORDS" took next to nothing away from me; *because I never set up a claim to things not belonging to me*: if the contemptible prices paid for the assumed Copyright in foreign compositions were generally known—the Monopolists' out-cry at the "loss of their property," would excite only ineffable disgust. As to their newly-awakened interest in the cause of British Musicians, there cannot possibly be a more impudent piece of humbug: I would simply ask, and without any desire to offend either of the parties named, —what have Boosey and Son, Cocks and Co., and Novello and Co., done for the British Composer? These are all large publishing firms; they have not, among them all, ONE OPERA, *by Balfe, Barnett, Glover, Macfarren, Loder, Smart, Rooke,* or any other British Composer. They have not among them all, I believe, a single work by Sterndale Bennett, or any other British Musician of eminence; what young and unknown British Author has ever been encouraged by either of the above-named firms: it is true that one of them has always been ready to avail itself of the works of Englishmen, *when those Englishmen have become popular through their publications at other houses;* and these are the men, who weep over the injured prospects of the British Author! *I feel confident that British Composers and Arrangers will ere long bless the day when that just and righteous interpretation of the law first rendered in the Court of Exchequer, was afterwards confirmed by the Law-Lords.* To return to the letter:—

I have yet to learn that *Music-Sellers,* by which term the Country Dealers are referred to, are exempted from the universal laws by which corn and other commodities are governed; if all get their goods on "fabulous low terms," the public must and will benefit by the competition between those Music Sellers; no doubt the latter will quickly find out where their true interest lies, and the gratuitous charge of rapacity made against Music-Sellers and Professors might as well have been left unmade.

My pertinacious adherence to the belief that no foreigner residing abroad could assign Copyright to any one in England, has been justified by the final decision of "The House of Lords." I could desire no greater victory—and it is to unloose that desperate tenacity with which some few individuals cling to the last weak shred of monopoly, that it was proposed that if any member were attacked for printing a non-copyright he should be defended at the joint cost of the Society. Various *threats have been held out already in* the circulars of Mr. Novello, Mr. Ewer, and Mr. Cocks; *I tell them, one and all, that they have no Copyright in any foreign works, except under the "International Copyright Act,"* which is perfectly fair to the natives of both Countries. The last-named Publisher is endeavouring to *make* a "Copyright" out of Non-Copyright," by affixing the name of *Vincent Wallace* to his *revised* editions of such works as "Schuloff's Carnival of Venice." Now what does Mr. Wallace's *revision* amount to? "*overflowing with genius*" and "*teeming with freshness*" as he is on his return from New York—what can his "*genius*" and his "*freshness*" do for Schuloff's works, which Mr. Cocks had previously pronounced quite perfect? Here is, however, one palpable good; for English Musicians having *acquired* popularity, they must be paid for the use of their names, although they do absolutely nothing to the works sent forth under their auspices.

A word on the ethicks of one "Great Capitalist Publisher;" it is his practice to get a most outrageous puff written about some Composer, who has "*chosen him*" to be the purveyor of his commodities to the public, and that puff is inserted at the cost of some 5s. or 6s. in the convenient columns of a newspaper, which inserts such things without the prefatory word "*Advertisement,*" and thereupon the puff is inserted in all the respectable papers *as an advertisement,* and the name of the paper which first inserted the *paid-for paragraph,* is cited as an authority for the genuineness of the praise—fortunately this prostitution of the press is now pretty generally known, and the knowledge will, it is to be hoped soon work a cure.

The following is a fair specimen of its class; and it is on public grounds that I hold it up to the ridicule and reprehension, which its follies and its presumption deserve:

From the "*Observer*," Aug. 20th.

"Music for the Pianoforte by W. Vincent Wallace.—This eminent composer has just arrived from New York, in the United States. He returns teeming with freshness, overflowing with genius, as when he left our shores. Mr. Wallace's compositions have, from their distinguished and elegant character (aided by the enterprise of the *great House* of William Hall and Son), attained a wondrous popularity, surpassing in their attractive qualities the works of all living composers for the Pianoforte. His adaptations of the Scotch and Irish melodies are beyond all praise: his *mode* of treating these beautiful airs is as striking and original, as it is sweet and charming. *They* are never heard without exciting fresh admiration; and we have no doubt every pianoforte-player will feel that the possession of the whole series of these gems is a matter of necessity. We are able to state that Messrs. Cramer and Co. are to publish Mr. Wallace's future vocal works in this country, while the Messrs. Robert Cocks and Co. are appointed sole publishers of all his future Pianoforte Works for Great Britain and its Dependencies. The before-mentioned House of William Hall and Son, of New York, *continue to be his sole publishers for the United States.*"

It is kind in the "*Observer*" to enlighten the world respecting the geographical position of New York, which *we are informed* is in the United States! Why did the critic not extend his "information to the people," by adding which are in America, which is on the other side of the Atlantic—an Ocean on which ships are continually sailing or steaming to and fro between Liverpool, which is in England, and London, which is also in England, a portion of Her Britannic Majesty's dominions situated in Europe, &c., &c.

The verbal intricacy of this "puff-positive" with its mazy mystifications and hazy obscurities, is almost enough to take one's

breath away; but I will endeavour to dissect the jumble and extract a meaning from it; and the meaning *intended* to be conveyed to the reader I take to be this: Mr. Wallace *is the best of all living Composers for the Pianoforte;* his works possess more attractive qualities than are possessed by the works of any other living Composer; that they have obtained a wondrous popularity, partly because *they are the best published,* and partly because *"they have been aided"* in obtaining that popularity *by the enterprise of the great House of William Hall and Son;* now one would think that being *the best Compositions in the world for the Piano,* that alone would be enough to "attain a wondrous popularity;"—no such thing! Best in the world although they be, of what avail would be their superiority, unless their surpassing excellence were aided by the enterprise of "THE GREAT HOUSE OF WILLIAM HALL AND SON?" Blessed enterprise; which not only confers greatness on itself but gives a wondrous popularity to the works it deigns to publish! Pray, Mr. Observer, do you know how *the greatness* of the great House of WILLIAM HALL AND SON has been achieved; the House, &c., was not "born to greatness," nor has it had "greatness thrust upon it!" No, sir, it has achieved greatness—that is if the House be great—by republishing the works of every Composer of every country in Europe, without paying to any Composer or to any Publisher ONE SINGLE PENNY FOR THE RIGHT OF PRINTING ANY ONE OF SUCH WORKS; and this is the greatness, *so achieved,* which THE Messrs. Robert Cocks and Co. uphold to the admiration of the World! In England any brother-publisher who dares to reprint a *non-Copyright work*—a work pronounced by the highest tribunal in the country *to be without Copyright*—is stigmatised by another portion of the press upholding the Messrs. R. C. and Co's cause to be

"A PETTIFOGGING PUBLISHER."

"A MUSICAL PIRATE."

"A PETTY MUSICAL PILFERER."

These, as I will show by a reprint at the end of these

pages, of an article, *the authorship of which is plainly evident*, these are the filthy epithets applied to English Publishers who conscientiously feel themselves justified in endeavouring to "achieve greatness" (!) by the same *lawful* means which have entitled the great House of William Hall and Son, to the epithet applied to it by the *great* encomiast of the *great* W. Vincent Wallace.

The "*Great Capitalists*" have accused me as being one of a set of Publishers desirous to live upon the "*unpaid-for brains of poor authors;*" with what injustice the charge was made, I have already clearly shewn in my pamphlet about Boosey, and in order that I may once for all be understood by that portion of the trade which will *not wilfully misrepresent my views*, I declare that I hope to see the day when by the universal extension of "*International Copyright*" there will be *no such thing in Great Britain as a "new Non-Copyright" work:* nor am I unselfish in the hope, for I may say without egotism (for it is not the best works that achieve popularity either in England or in America) that very many of the American Publishers have realised thousands and thousands of dollars by the republication, in America, of songs written and published by me in London. This very great House of WILLIAM HALL & SON has in its very great catalogue, a very large proportion of my publications; I don't *complain* of it, "the law allows it, and the court awards it." Hall and Son are perfectly justified, by the American law, in printing the works of all Europe; no one but an AMERICAN CITIZEN can hold or assign Copyright in AMERICA. Under Lord Campbell's MISTAKEN decision in the Court of Exchequer Chamber, an American or any other foreigner *could hold* Copyright in *his own country and in England too;* while English authors were expressly denied any such right in America. I rejoice that I have been the humble cause of removing so vile an anomaly, and I shall be doubly thankful if the judgment of the House of Lords should result in an "International Copyright," with America particularly; speaking the same language, it is the interchange of Copyright with that great

country only that can materially benefit the British Author and his Publisher.

I have stated above that none but an *American Citizen* can hold or assign Copyright in America, and I therefore fervently hope that the "*Observer*" has made a mistake, in declaring that henceforth William Hall and Son, of New York, are to be the *sole Publishers,* in the United States, of the works of W. Vincent Wallace, because if that be true, Mr. W. Vincent Wallace must have become an American Citizen; and, to have become so, he must have subscribed to the Oath as under; the words of which are copied from the American Statute.

An anecdote is related of Captain Marryatt to the following effect:—the gallant author having visited the United States, for the purpose of endeavouring to obtain a Copyright for one of his latest works, was officially informed that none but American Citizens could receive such a privilege—and to acquire Citizenship, an oath must be taken; on persuing the substance of that oath—he exclaimed, "Copyright be ——! before I hold it on such terms, may I swing at the yard-arm of the first British ship I hail in the Atlantic." No Englishman can wonder at the Captain's indignation, when the words of the oath are known;—they run as follow:—

THE OATH.

"I (William Vincent Wallace) do declare on oath, that it is bona fide my intention to become a Citizen of the United States and to renounce for ever all my allegiance and fidelity to any Foreigu Prince, Potentate, State or Sovereignty whatever; and PARTICULARLY TO THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, of whom I am now a subject."

Surely *the* Messrs. Robert Cocks and Co., if such be the case, can hardly be cognisant of the fact; for "brimful of loyalty" and "overflowing with patriotism" as that eminent firm undoubtedly is; and being moreover,

"MUSIC PUBLISHERS TO THE QUEEN,"

would they sanction such a desertion of fidelity to his country, and disavowal of allegiance to Her Most Gracious Majesty, as must be made by any British subject who renounces his native land for the eligibility of holding Copyright in America? *I shall be heartily glad to hear that the "Observer" is in error, because it would be far more agreeable to look upon the Composer of* "MARITANA" as a True Briton or a sound Irishman, than as a half-and-half Citizen of the United States; if any Englishman or Irishman prefer America to his own Country, let him enjoy his preference, but let him never show his renegade face in the dominions of that Queen whom he has denounced as unworthy of his allegiance. If the assumption of the "*Observer*" be incorrect, I have made Mr. Wallace my friend, by giving him an opportunity of denying so foul an imputation.

I will waste no more time in confuting the absurdities of this puerile publisher, and had it not been for the arrogant assumptions of the *anonymous blackguard* in the passages which I have italicised in his letter, I would not have condescended to notice him at all.

A few more words and I have done, the "London Publisher" concludes his letter thus:—

"I think I have proved that the judgment of the House of Lords cannot be a source of advantage to English Composers, or indeed any other class of persons but *unprincipled Publishers.*"

As Messrs. Cramer, Chappell, and Beale, Mrs. Chappell, Messrs. Addison and Hollier, and other of the first Publishers are availing themselves of the proper interpretation of the Copyright laws, by publishing all those works hitherto claimed as Copyright, I am quite contented to be classed with them, amongst the list of *"Unprincipled Publishers."*

The following is the article referred to in page 9; it was inserted in "THE ERA" *immediately after* the *temporary triumph* of THE Messrs. Robert Cocks & Co. over MR. ZENAS

Purday, and Mr. Lonsdale, of Bond Street. To Mr. Purday belongs the honour of having been *pioneer* in the series of "*causes*" which have resulted in the total discomfiture of the audacious assumptionists of Copyright in foreign works; of the latter gentleman, it is I know presumption in me to speak, yet I will venture to say that he was subjected to an outrage as brutal as was ever, *under the circumstances*, perpetrated upon a respectable and a RESPONSIBLE MAN. I will not more particularly allude to an occurrence which roused my indignation at the time, and which still makes my blood boil when I reflect upon it; an outrage committed upon a man who was one of the greatest Music Publishers in London, when I was only a Clerk in the trade, and but a few years after Mr. Cocks had been shopman to Boosey. The harshest asperities of words ever committed to paper by me, *when assailed*, are nothing to the atrocities put into print by "The Era," in the article here reproduced *verbatim*. Some of the passages have been *italicised* by me, just to raise a laugh at the unfortunate assumptions of the author, who deemed that because the Messrs. Robert Cocks & Co. had gained a momentary triumph, they were triumphant then and for evermore! Without another word of comment I submit the entire article as a justification of the *thorough contempt* in which I hold the person who prompted, the man who wrote, and the paper which inserted it.

"MUSICAL COPYRIGHT.

"THE RECENT CASE OF COCKS *v.* PURDAY AND LONSDALE.

"The law of Musical Copyright has, within these few days, *been finally settled*, as far as regards the claim of Foreign Composers to English Copyright, and their right of disposing of it, in this country, to English musical publishers. At the sittings in Banco, on Friday week, before Sir Thomas Wylde and Justices Coltman, Maule, and Cresswell, the case of "Cocks *v.* Z. T. Purday and Lonsdale," was fully discussed. The decision of their Lordships *proves the justice of the claim set up by the plaintiff*, which was founded on fair dealing as a tradesman, and exemplifies the old adage, that '*Honesty*

is, after all, the best policy.' We give a few particulars of this case, which will prove not only interesting to the general reader, but important to all publishers of foreign works of art, musical or otherwise.

"The plaintiff was Mr. Robert Cocks, of No. 6, New Burlington-street, one of the largest and most spirited music publishers in the kingdom, indeed, we may fairly say, throughout Europe, *which will be understood when we state that his catalogue of works by the most eminent British and Foreign composers, consists of nearly half a million* of music plates. This gentleman, finding a great demand in this country for the works of eminent Foreign Composers, has been in the habit of periodically visiting the Continent, seeking among the principal composers in the different cities of Europe, musical novelties for publication in England; entering, then and there, into arrangements for the *bona fide* purchase of such productions and compositions, *which having effected, he brings them to London,* and expends large sums of money in publishing such works, *and by means of advertising, and having them performed, renders them universally popular.* This is no sooner effected, and they are thoroughly known, than some *pettifogging publisher* sets to work, and, at a reduced price, produces mutilated editions of the same works, *the copyright of which is vested in Mr. Robert Cocks,* and when applied to, forsooth, declares, forthwith, 'that there is no copyright in any work by a foreign composer;' but the recent proceedings will have taught some of these *musical pirates,* to their cost, that such inharmonious and untradesmanlike dealings are within the reach of the law. *The Judges have decided that a Foreign Musical Composer* (and the same rule applies to works of art, literature, engravings, &c.) *has a Copyright in this country secured for his works;* that he *can assign that Copyright to a Publisher abroad; and still be secured in his English Copyright by re-assigning it here.*

"This decision has given the most unqualified satisfaction to the *fair and legitimate* Music, Book, and Print Publishers;

in fact *if such was not the law—under whose protection their enterprise was carried on*—the thousands of pounds expended on musical copyright by the different publishers would have been so much money thrown away, and the works on which they were expended valueless by the acts of the *petty musical pilferers,* who are ever on the watch to avail themselves of the benefits to which *those who, by their skill, enterprise, and large outlay, are honestly* entitled.

"Mr. Robert Cocks, by his manly and determined stand in protecting not only his own property, but that of other large publishers (who, had he have been unsuccessful, must have been sufferers to an alarming extent by the piratical acts of such parties), deserves the thanks of the whole trade for fighting their battle, *and bringing it to a victorious termination;* and we have no doubt *his public spirit and liberality* in the cause will *meet with its due reward. The costs of the proceedings in this case will, we are assured, be several thousand pounds.*

"The pieces of music more immediately at issue, and selected to try the merits of the question, and on which the Court gave its decision, were—Labitzky's 'Heiterer Sinn Polkas;' the 'Elfin Waltzes,' by the same composer; and the 'Deutsche Lust,' by Strauss.

"Proceedings have been going on for these last four years in this case, and Mr. Cocks has been obliged, in order *to maintain his right,* to bring over Doctor Von Sonnleithner, the eminent lawyer from Vienna, M. Labitzky, from Carlsbad, in Bohemia, and his publisher, M. Hoffman, from Prague.

"At an enormous expense, he has now vindicated himself from the imputation that he had no copyright in these works *—taught his opponents a lesson they will not soon forget—and finally settled the question of English copyright in foreign works.*

"Too much praise cannot be awarded to the plaintiff's counsel, Mr. Sergeant Talford, Mr. Webster, and Mr. Benjamin Rotch, *who expounded the law and brought out the facts of the case in the most luminous and convincing style.* Mr.

Pike, of Old Burlington-street (Mr. Cocks' solicitor), worked night and day in getting up the case, which, from its many foreign connexions, was invested with some difficulties.

"Those parties who were previously in doubt as to the legality of foreign copyright, will now see the necessity of abstaining from either selling or publishing the works of foreign composers, who have invested the right of publishing in Mr. Cocks's hands. *The defendants will scarcely renew piratical attempts which have been attended with so much cost, nor seek to deprive fair and legitimate enterprise of its due reward.*

"As a difference of opinion exists regarding foreign copyright we may here state that, by the laws of Germany, France, and Italy, *foreigners of all nations are permitted to have a copyright, so that an English author may sell his works abroad in the same manner that the foreigner sells to the English publisher.* The English Courts of law, therefore, only reciprocate the protection which is afforded in the foreign ones. It is a mistaken notion to fancy the English author has no protection abroad; an error which the learned advocate Dr. Sonnleithner, in his recent exposition of the law, took care to remove."—*Era*, 21*st May*, 1848.

There is the article! terrible in its denunciations as the braying of Donkeys; as veritable in its predictions as the chatter of Apes; and as futile in its vain boastings as the crowing of Cocks!

CHARLES JEFFERYS,
21, Soho Square.

2nd Oct., 1854.

P.S. As a "Man of Peace" I desire to waste no more time on the scurrilities of "The Musical World" and its "London Publishers," *but if again provoked* I shall include in my next notice an essay on the various uses to which Coffins and Piano-forte-Cases may be applied; shewing how *if* a Musical M.S. was deposited in one of the former, one of the latter was found to enclose a "subject" equally inappropriate!